



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only	
Received:	
Reviewed by:	_____
Date Reviewed:	_____

Applicant: **Shepard's Staff**

Application Number: **CHEL-11-04**

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **April 18, 2012**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **April 18, 2012** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **April 18, 2012** and submits this record of decision to the Department of Ecology for final review.

Signed:

Don Phelps, Chair
Chelan County Water Conservancy Board

Date: 4-18-12

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Waikele Frantz, Member
Chelan County Water Conservancy Board

Date: 4-18-12

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Karin Whitehall, Member
Chelan County Water Conservancy Board

Date: 4-18-12

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve	<input type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve	<input type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

Report of Examination



<input checked="" type="checkbox"/> Surface Water	<input type="checkbox"/> Ground Water		
DATE APPLICATION RECEIVED 5/12/2011	WATER RIGHT DOCUMENT NUMBER S4-27880C	WATER RIGHT PRIORITY DATE 03/29/82	BOARD-ASSIGNED CHANGE APPLICATION NUMBER CHEL-11-04

NAME Shepherd's Staff dba Youth Dynamics dba Stonewater Ranch			
ADDRESS (STREET) c/o Mark Marquis; 1227 First Street	(CITY) Wenatchee	(STATE) WA	(ZIP CODE) 98801

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal

☒ Add point of diversion/withdrawal Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt ☒ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.04 cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 12	TYPE OF USE, PERIOD OF USE municipal water supply with 12 connections				
SOURCE Unnamed spring			TRIBUTARY OF (IF SURFACE WATER) Beaver Creek				
AT A POINT LOCATED: PARCEL NO. 261807100050	1/4 NE	1/4 NE	SECTION 7	TOWNSHIP N. 26N	RANGE 18E	WRIA 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED S1/2 SE1/4 of Section 6, T26N, R18 E.W.M. Chelan County WA.							
PARCEL NO. 261807100050 261806440000 261806430050	1/4 NE S1/2	1/4 NE SE	SECTION 7 6	TOWNSHIP N. 26 26	RANGE, 18E 18E		

Proposed Use

MAXIMUM CUB FT/ SECOND 0.04cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 10.54	TYPE OF USE, PERIOD OF USE Municipal Supply				
SOURCE Unnamed spring and wells			TRIBUTARY OF (IF SURFACE WATER) Beaver Creek				
AT A POINT LOCATED: PARCEL NO. TBD within 261807100050 261806440000 261806430050	1/4 NE S1/2	1/4 NE SE	SECTION 7 6	TOWNSHIP N. 26N 26N	RANGE 18E 18E	WRIA 45 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED S1/2 SE1/4 of Section 6, T26N, R 18, E.W.M. Chelan County, WA. Alternatively, if the holder of the right is determined to be a municipal purveyor the place of use (POU) of this water right shall be the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO. 261807100050 261806440000 261806430050	1/4 NE S1/2	1/4 NE SE	SECTION 7 6	TOWNSHIP N. 26 26	RANGE, 18E 18E		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND 0.04cfs		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR 10.54		TYPE OF USE, PERIOD OF USE Municipal Supply with continuous use		
SOURCE Unnamed spring and wells				TRIBUTARY OF (IF SURFACE WATER) Beaver Creek				
AT A POINT LOCATED: TBD w/i PARCEL NO. 261807100050 261806440000 261806430050		¼ NE S1/2	¼ NE SE	SECTION 7 6	TOWNSHIP N. 26 26	RANGE 18E 18E	WRIA 45 45	COUNTY Chelan Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD S1/2 SE1/4 of Section 6, T26N, R 18, E.W.M. Chelan County, WA Alternatively, if the holder of the right is determined to be a municipal purveyor the place of use (POU) of this water right shall be the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.								
PARCEL NO. 261807100050 261806440000 261806430050		¼ NE S1/2	¼ NE SE	SECTION 7 6	TOWNSHIP N. 26 26	RANGE 18E 18E		

DESCRIPTION OF PROPOSED WORKS

The applicant proposes to expand the existing Group A water distribution infra-structure to accommodate up to 200 guests residing in retreat rooms, 210 tent campers, 14 RV pads, and a commercial kitchen. Water supplies would be provided via an existing authorized surface water withdrawal and newly installed wells. Pending Department of Health approval, water works would consist of additional water storage facilities, new water distribution pipelines, and a pump station to enhance pressure for a fire suppression sprinkler system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Project Begun	COMPLETE PROJECT BY THIS DATE: 12/31/2021	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 12/31/2028
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The applicant proposes a 3 phase development scheduled. Phase1 and 2 will require 4 years to complete. Phase 3 is planned, but not yet scheduled.

REPORT

BACKGROUND

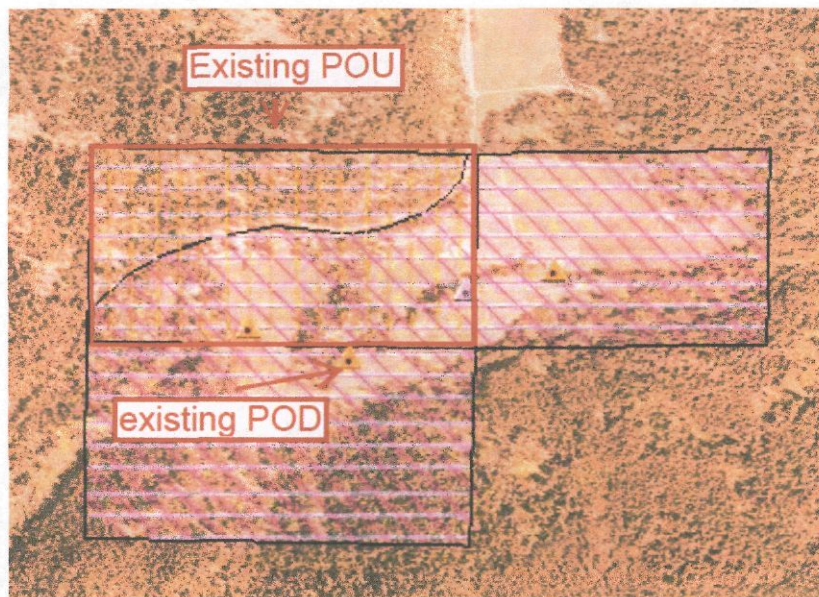
(A description of the water right proposed for transfer, including the board-assigned water right change application number, and the board's tentative determination as to the validity and quantification of the right, as well as the historical water use information that was considered by the board)

The subject water right was originally issued to Grace Enterprises who formerly operated the referenced property under the name of Alpine Boy's Ranch, herein after "Alpine". Shepherd's Staff purchased the subject property in 2005 and currently operates the property under the name of Stonewater Ranch, herein after "Stonewater".

The applicant filed for changes to the subject water right as referenced above. Said application was accepted by the Board on 5/12/2011 and given the above application number indicated (see attached). Public notice of the application was published in the Wenatchee World on 5/16/11 and 5/23/11 (see attached). The Protest Period ended on June 21st, 2011. Notice was also delivered to the Department of Fish and Wildlife and other parties on record as having requested notice of applications (see attached).

Attributes of the water right as currently documented (see attached):

Name on certificate: Grace Enterprises dba Alpine Boys Ranch
Water right document number: S4-27880C
As modified by certificate of change number: Not Applicable
Priority Date/first use: 3/29/82
Water quantities: Qi 0.04cfs Qa 12afy
Source: Unnamed spring tributary of Beaver Creek
Point of diversion/withdrawal: NE1/4 NE1/4 of Sec 7, T26N, R18E Chelan County, WA
Purpose of use: Community domestic water supply for a 12 unit facility
Period of use: continuous
Place of use: S1/2 SE1/4 of Sec. 6, T26N, R18 Chelan County, WA



Changes as recited in the notice are as follows:

Proposed changes to the right include adding wells as sources of supply to be determined within the S1/2SE1/4 of Section 6 and the N1/2N1/2NE1/4 of Section 7, T 26N, R18 E.W.M. all in Chelan County, Washington and removing the limitation on the number of units connected which may have the effect of changing the purpose of use to municipal.

Signatures:

All necessary signatures have been provided as required on the application. All owners within the existing and proposed place of use have signed in support of application.

Tentative Determination:

The source of water, location of diversion, place of use, and extent of beneficial use are as tentatively described on the front page of this report. There have been no prior changes to the subject water right. Hearings were held in Chelan County by the Chelan County Conservancy Board which tentatively determined the extent and validity of the right as referenced above following the investigation into the historical water use as described below. A full analysis of the Board's tentative determination is provided in the Investigation Section.

SEPA:

The referenced water quantities subject to the pending change application are exempt from RCW 43.21C and WAC 197-11. However, the applicant's proposed expansion of the Ranch facilities is non-exempt. The applicant has completed a SEPA checklist and the county has issued a conditional use permit for the project (see attached). The scope of the checklist includes a review of ground and surface water impacts associated with the project and the proposed expansion of the existing domestic water system. As such, the Board has adopted the contents of this review for the subject application.

Proposed Use:

The proposed change of use is as described on the front page of this report. The applicant desires to develop additional points of withdrawal to assist with domestic water service for an expanded youth ministry facility. The proposed place of use for the existing right will remain unchanged. A more detailed explanation of the proposal is included within the extent and validity determination set forth below.

History of water use:

Water right certificate #S4-27880 was originally issued to Grace Enterprises dba Alpine Boy's Ranch, hereinafter Alpine, for the purposes of providing community domestic water to a full-time residential boarding school housing up to 16 boys and 18 staff on a year-round basis. Alpine accommodations consisted of two group homes, two mobile homes, two staff homes, six cabins and support facilities which included large areas of incidental irrigation around buildings, recreational sport courts, picnic areas and various other landscape features. Irrigation of these locations was accomplished via lengthy sections of movable hand lines connected to the domestic supply due to their physical separation from areas of agricultural irrigation. To accommodate increasing domestic water demands and to reduce the use of inconvenient lengthy hoses, Alpine began converting domestic irrigation to over to a separate agricultural irrigation supply beginning in 1990.

Historically, water for domestic use and incidental irrigation was provided via a surface water withdrawal from an unnamed spring. An exempt well was drilled in 1977 to replace this source. After 2 years, poor water quality led to discontinued use of the well as a primary potable water source and the subsequent development of a nearby spring. This ultimately resulted in issuance of the subject water right which provides for a Group A domestic water supply with 12 connections.

Grace Enterprises and Shepherd's Staff began investigating alternative options for the subject property in 2003. Shepherd's Staff acquired the property in 2005 for the purposes of refurbishing and expanding the existing facilities to accommodate a youth ministry retreat operating under the name of Stonewater Ranch, hereinafter Stonewater. Shepherd's Staff applied for and received a conditional operating permit for the proposed expansion of the Ranch in 2010. Since acquisition, Stonewater has utilized existing structures and maintained pre-existing areas of irrigation with numerous lengthy old moveable hand lines using assorted applicators.

Source water metering began as of 2003. Prior to sale, facility usage was in decline due to the pending sale of the property. Immediately following purchase of the property in 2005, records indicate domestic water use decreased during the transition of facility ownership. Full domestic water use resumed as of 2006 upon recruitment of a full contingent of staff and initiation of youth programs. At existing staffing levels, the number of year-round occupants at Stonewater is approximately equivalent to Alpine's former onsite presence of staff and residents.

Stonewater has a variety of user groups who utilize the existing water system. Three to four families (21-26 residents) live on the property year round. This includes the Norby family residence which receives water from the subject system. In addition to year-round occupants, the Ranch employs 5 full-time employees. These employees do not reside on the property. During the summer months, Stonewater provides onsite lodging for 16 seasonal staff who facilitate youth outdoor programs. Summer staff are housed onsite in lodging accommodations which have a full kitchen, several full-baths, and laundry facilities. Guest rentals are also available year round at the Lodge, Chalet, and Cabin. Each rental unit has a full kitchen and bathrooms. However, staff primarily occupy these units during the spring and summer months. Therefore, guest rental use is primarily limited to fall and winter months. Lastly, Stonewater provides nightly rentals for overnight tent campers. No plumbed bathroom or shower facilities are available for tent campers and water use is limited to a single hose bib. *

No previous changes have been made to the subject water right.

COMMENT AND PROTESTS

No protests were received during the 30 day protest period. In addition, no oral or written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION

(A description of the project proposed by the applicant, including any issues related to development, such as the applicant's proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending applications for changes or transfers, and instream flows established under state law.)

The information or conclusions in this section were authored and/or developed by **Dan Haller, Marc Marquis, Mark Peterson, Don Phelps, Chris Snapp, and Waikele Hampton** following a review of materials obtained during a site inspection conducted by the board on 5/24/11, technical reports, aerial photos, research of department records, correspondence provided by the applicant from other holders of the right and conversations with the applicant and/or other interested parties.

The applicant's Master Plan includes a 3 phase development schedule. Phase 1 and 2 will require 4 years to complete.

Phase 1 includes:

- Preparation of planning documents, plans and specification, and installation of construction infra-structure for water, power, septic and roads;
- Design & construction of remodel and expansion of the Chalet building including a commercial kitchen;
- Design & construction of 4 new guest cabins;
- Design & construction of Stonewater Ranch shop building;
- Design & construction of YD Adventures gear storage building;
- Design and construction of up to 14 RV pads with utility hook-ups; and
- Design and construction of new exterior finish for gymnasium.

Phase 2 begins after completion of Phase 1 projects and includes:

- Design and construction of Stonewater Lodge, a dining room with seating for upto 200 and a commercial kitchen;
- Design and construction of 3 additional guest cabins;
- Design and construction of 5 outdoor camp shelters;
- Design and construction of remodel and expansion of the Lodge building;
- Design and construction of remodel and expansion of existing guest cabin; and
- Design and construction of remodel and expansion of the gymnasium.

Phase 3 is planned, but not yet scheduled and will include:

- Design and construction of a group residence for YD interns;
- Design and construction of up to 3 staff housing units; and
- Remodel and expansion of the existing office space.

The phased development schedule of the project is projected to take up to 10 years to complete with full water use by 2028. The proposed development schedule is consistent with a construction project of this magnitude which requires: capital acquisition; project planning, permitting activities and engineering; installation of sewer, water, power, and road infra-structure; remodeling and improvement of existing structures; construction of numerous new facilities; youth program development; and staff recruitment and training.

The subject right is presently authorized to serve 12 units with continuous domestic supply. The water system is designated by the Department of Health as a Group A non-transient non-community water system. A water system that supplies residential water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year is defined by RCW 90.03.015(4) as a municipal supply. Greg Johnson and Paul Heeren, current and former facility Directors, have provided declarations indicating that both Alpine and Stonewater achieved this level of occupancy (see attached). As such, the system has acquired defacto municipal status which has the effect of removing the limitation on number of service connections.

A water system serving at least 15 connections is also defined by RCW 90.03.015 as municipal system. In the event the existing system is determined not to have achieved municipal status, as proposed, the addition of new connections may result in a determination of municipal status. If so, the Place of Use for the subject right shall become the service area as described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water right holder is and remains in compliance with the criteria of RCW90.03.386(2).

The applicant's proposal to remove the limitation on number of connections can be distinguishable from a similar change application pending appeal by the Department of Ecology. In Painted Summer Hills the applicant proposed to remove a limitation on number of connections from a Group B system to accommodate increased residential development. As such, it was assumed each residential connection would likely display a similar water usage pattern which would result in increased water use. Here, the applicant seeks to eliminate the limitation on number of connections from a Group A water system which serves a youth ministry facility and provides water for a variety of connections including residential housing, seasonal staff lodging, support facilities, rental cabins, and potable water for guest campers. Due to their diverse nature, each connection is associated with significantly different water usage patterns (see attached Water System Analysis). Elimination of the restriction on number of connections would acknowledge this fact and allow the applicants to better manage the subject water right to best accommodate the diverse needs of the youth ministry facility.

Tentative Determination:

The information or conclusions in this section were authored and/or developed by **Dan Haller, Marc Marquis, Mark Peterson, Don Phelps, Chris Snapp, and Waikele Hampton** following a review of materials obtained during a site inspection conducted by the board on 5/24/11, technical reports, recent aerial photos, research of department records, correspondence provided by the applicant from other holders of the right and conversations with the applicant and/or other interested parties.

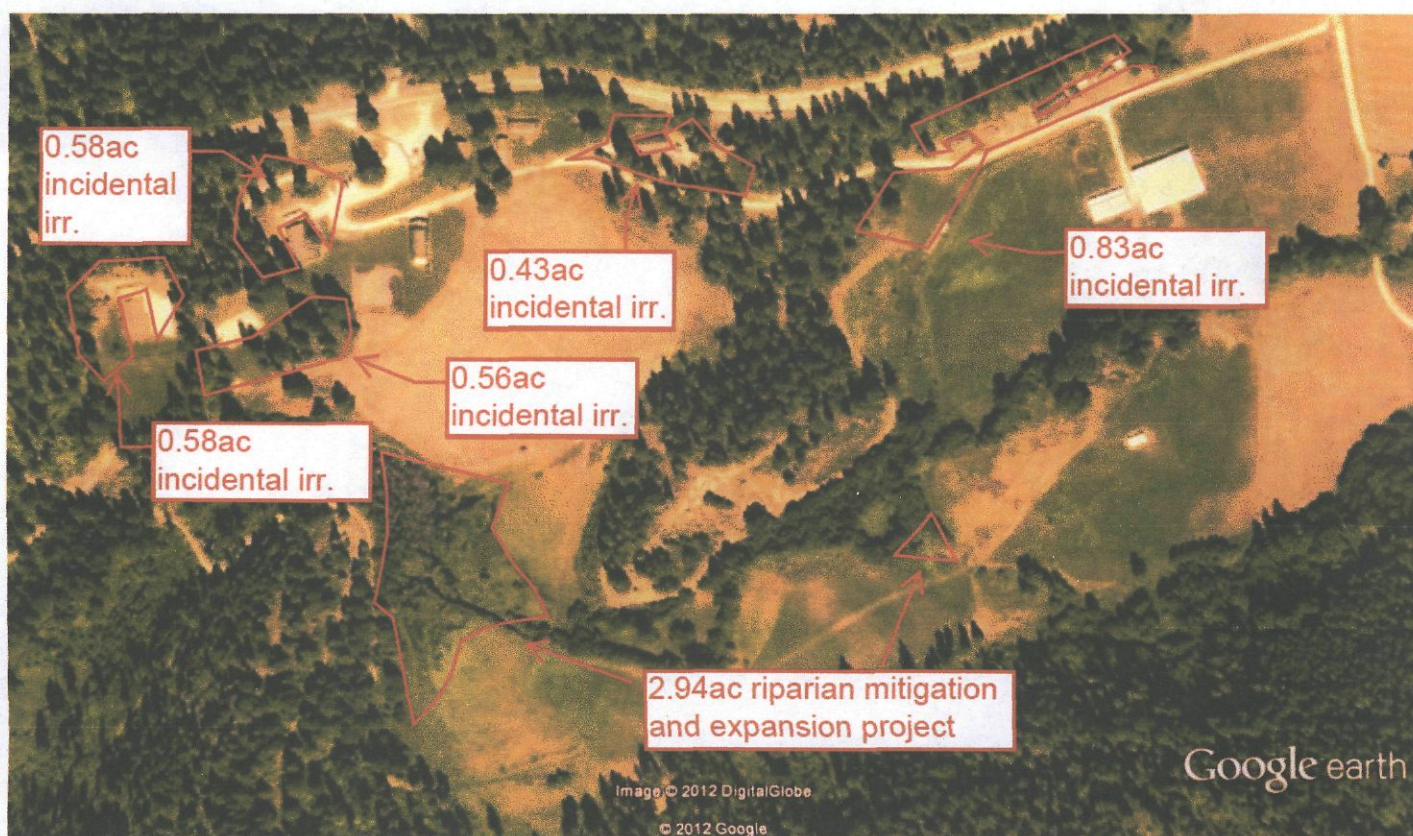
A Water System Physical Capacity Analysis was completed for Stonewater Ranch by Semrau Engineering and Surveying. Semrau has calculated the current equivalent full-time residents (EFTR) at 31-35. EFTR is used versus the equivalent residential unit (ERU) value more typically assigned to non-transient non-community water systems due to the Ranch's non-typical use patterns. Each EFTR is estimated to require 75gpd. Upon completion, Stonewater projects to serve up to 116 EFTRs. At this level of occupancy, average annual domestic demand is forecasted to increase from 3.8af (2009) to 9.6af (2028) with a peak hourly demand of 68.4gpm. Additional storage capacity will be required to meet projected instant demand rates.

Source water metering records are available beginning in 2003. Usage data as of 2005 is attributable to Stonewater following Shepherd's Staff purchase of the property. The most recent 12-months training average (April 2009 through April 2010) indicates the average day demand for 2009 was 3,418 gallons per day which equates to 3.8af. This value was used when projecting future water use. The balance of water remaining under the right has been utilized to support pre-existing mature incidental irrigation utilizing lengthy sections of old movable hand lines with assorted applicators.

Occupancy at Alpine formerly consisted of a variable population with as many as 16 students and 18 staff (approx. 30 persons total) occupying the property on a year round basis. Stonewater presently maintains a similar presence of 22-26 persons. Therefore, there is no seasonal pattern of use change associated with the subject change application. However, overall domestic water use at the Ranch is projected to increase as stated above.

The applicant proposes to accommodate increased domestic water use by reducing incidental irrigation from the existing 2.98 acres to 0.34 acres. Of the remaining 2.64 acres, approximately 1.1 acres will no longer require irrigation due to the placement of planned new structures and added impermeable surfaces (CUP indicates total square footage of impermeable surfaces will increase from 42,422sqft to 89,700sqft). Stonewater is also in the process of re-developing and expanding riparian areas equal to 2.94 acres. This project includes approximately 1.5 acres of new indigenous plantings. Once established, these locations will no longer require the application of irrigation water. The resulting saved water would therefore be available for application to former areas of incidental irrigation without enlargement of the separate agricultural irrigation right.

Board observations conducted on 5/24/2011 confirmed the existence of incidental irrigation around buildings, under the tree canopy, surrounding recreational sport courts and picnic areas, and supporting various mature landscaping elements equal to an area of more than 3.0 acres. Due to their location and irregular shape, areas of incidental irrigation are not readily observable by available aerial images and are largely excluded from agricultural irrigation maps prepared for change authorization #CS4-CCVOL1-4P303. However, onsite photos provided in the appendix clearly document the presence of at least 2.98 acres of incidental irrigation (see attached). Irrigation of these locations has been historically supplied by movable hand lines with lengthy hoses connected to the domestic water system. Due to the maturity of observed landscape features it was apparent to the Board that areas of incidental irrigation are pre-existing items from previous ownership.



Washington Irrigation Guide (WIG) Appendix A for the Leavenworth Station indicates an annual crop irrigation requirement (CIR) of ^{18.17}39.08 inches for turf. However, in an unrelated previously authorized change (CHEL 9-17) the Board determined that under-tree lawns located in a nearby area compete with ubiquitous mature firs and pines such that the irrigation requirements are similar to apples with cover crop. Washington Irrigators Guide Leavenworth Station indicates a CIR of 23.11 inches for apples with cover. Ecology GUID 1210 recommends 70% efficiency for the site specific conditions which include numerous sections of old

lengthy movable hand lines with assorted applicators results in an irrigation requirement (IR) of 33.01 inches and total irrigation requirement (TIR) of 8.2af for the entire 2.98 acres of incidental irrigation.

Consumptive use:

The Board determined a consumptive use analysis was required to insure the proposed change will not result in impairment. GUID 1210 advises 10% of the crop TIR will be consumed by evaporation. Consumptive use is equal to TIR multiplied by applicator efficiency (70%) plus evaporation (10%). Thus, consumptive use for current incidental irrigation is equal to 6.56af. Wastewater disposal is provided on the Ranch via onsite septic which Ecology has assigned a consumptive use value of 100%. Combining the consumptive use totals for existing domestic use and incidental irrigation yields a value of 10.36af. As calculated, consumptive use for the proposed use will remain largely unchanged. However, studies by the Department of Ecology have found septic systems are associated with 30% consumptive use when their impacts are evaluated individually versus regionally. Therefore, due to the unlikely availability of a regional wastewater collection utility to serve the subject rural property, it is anticipated this change will result in decreased consumptive use and increased source water return flows.

IR= (CIR/70% eff.)

TIR=IR(acres)

Crops CU=(TIR)(70%eff. + 10%evap)

Domestic CU=TIR(100%)

Current Water Use:

Acres	Use	CIR	IR	TIR/Vol.	Consumptive use	
2.98	incidental irrigation	23.11''	33.01''	8.2af	6.56af (80%)	
n/a	domestic	n/a	n/a	3.8af	3.8af(100%)	
				12af	10.36af	totals

Proposed Water Use:

Acres	Use	CIR	IR	TIR/Vol.	Consumptive use	
0.34	incidental irrigation	23.11''	33.01''	0.94af	0.75af (80%)	
n/a	domestic	n/a	n/a	9.6af	9.6af(100%)	
				10.54af	10.35af	totals

(ii) A narrative description of any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred;

Other water rights appurtenant to the property:

Name	Right/Claim	Source	Use	Volume
Robert Renberg	S4-CV1-4P303	SW (Beaver Creek) & Well	30.9ac (Alpine) 22.3 (Renberg) 3.0ac (Kemper) 56.2 total ac. Irrigation	Alpine portion is additive to the subject right
Kris Norby	N/A	Exempt Well	Domestic use	Not active
Alpine Boys Ranch	N/A	Exempt Well	Domestic use	Not active

The proposed project will occur completely within the place of use for cert #S4-27880. With the exception of Norby parcel #2618064300100, the applicant owns all property within the described place of use. Two exempt wells (Norby & Alpine Boys Ranch) exist within the place of use for cert #S4-27880. However, these wells are not used and all residences receive water from the subject water system. In addition to domestic water, agricultural irrigation water is supplied separately to the property under water certificate S4-CV1-4P303. This right was subject to prior change application #CS4-CCVOL1-4P303 which determined a total irrigation area of 56.2ac of which 30.9ac was assigned to Alpine.

The proposed change would have no impact upon the above identified non-active exempt wells.

The proposed addition of multiple points of withdrawal will require active manual management or use of telemetry to insure maximum authorized quantities are not exceeded.

(iii) If the proposed transfer is authorized under RCW 90.44.100, an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest shall not be considered if the proposed

transfer is authorized pursuant to RCW [90.03.380](#) exclusively;

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies. No detriments to the public interest were found by the board.

(iv) Any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination;

Alpine Boys Ranch originally acquired a water certificate S4-27780 to provide for 12af of domestic water which also provided for significant areas of incidental irrigation. However, due to increasing domestic water demands and the inconvenience of constantly moving lengthy hoses, Alpine began to convert domestic irrigation over to a separate agricultural irrigation supply in 1990. This conversion is 90-95% complete. As such, water metering which began as of 2003 reflects almost exclusively domestic water use at the Ranch. The balance of water identified in the above Tentative Determination is currently provided via a separate agricultural irrigation system. Therefore, the volume authorized under the subject right has been and continues to be fully utilized with no portions subject to relinquishment.

The applicant also asserts a Determined Future Development (DFD) exception to the relinquishment rule. A DFD exists pursuant to RCW 90.14.140(2)(c) if such a right is claimed for a determined future development which is fixed within 5 years of the most recent beneficial use and action is taken to develop the plan within 15 years from the date of last use. Here, Grace Enterprises and Shepherd's Staff began investigating alternative uses of the property in 2003. These activities included: continued conversion of domestic irrigation over to agricultural irrigation to provide for increased domestic use, implementing metering of the domestic water system in 2003 to evaluate water availability for Stonewater Ranch, purchasing of the property in 2005, applying for and receiving a conditional use permit in 2010, and pursuing water changes as necessary to accommodate the expanded facility.

According to *R.D. Merrill*, the party asserting a DFD exception must demonstrate that the plan was fixed and determined within five years of the most recent beneficial use of the water right, and must also take action to develop the plan within fifteen years from the date of last use in order to avoid relinquishment. *R.D. Merrill*, 137 Wn.2d at 143 & 145-146. Based on *R.D. Merrill* and *City of Union Gap v. Department of Ecology*, 148 Wn. App. 519, 195 P.3d 580 (2009), the party claiming the DFD exception must also have a legally sufficient interest in the water right to do so. When reviewing whether the relinquishment exception for determined future development applies, the Board will look at the totality of the circumstances. *Protect Our Water v. Department of Ecology*, PCHB No. 03-102 (Findings of Fact, Conclusions of Law and Order, August 26, 2004, at 12) (interpreting *R.D. Merrill*). The conduct of both parties may be relevant to determine whether a determined future development exists. *City of Union Gap v. Department of Ecology*, (Order Granting Summary Judgment, January 5, 2006, at 15) aff'd, 148 Wn. App. 519 (2008).

In this case, water use began an apparent decline starting in 1990 as domestic irrigation was converted to agricultural irrigation. As such, water use did not actually decline, but was rather transferred to an alternative supply. However, later water meter records do accurately indicate that domestic water use was in decline from 2003-05 in anticipation of Alpine's sale to Shepherd's Staff. Domestic water demand remained low from 2005-2008 during the transition of facility ownership, recruitment of staff, and development of youth programs. During the interim, Shepherd's staff applied for and received a conditional use permit for the development of Stonewater Ranch. 2009 domestic water records best reflect Stonewater's current regular operations prior to expansion. Therefore, the effective date for fixing the DFD occurred in 2005 when source water metering began for the purposes of evaluating water availability for future domestic use by Stonewater. Stonewater purchased the property in 2005 and received a Conditional Use Permit in 2010 to expand the existing facility which is currently in progress and scheduled for completion by 12/31/2021.

(v) A description of the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions;
Geologic, Hydrogeologic, or other scientific investigations (if applicable)

A hydrogeologic report and follow-up correspondence regarding the proposed change was prepared by F. Michael Krautkramer, LHG, RG. Mr. Krautkramer has determined the proposed changes will withdraw water from the same body of water and will not impair any existing water rights. The Board fully incorporates the contents of this report and correspondence by reference within this Report of Examination.

CONCLUSIONS

(i) Whether, and to what extent, a valid water right exists;

The water right proposed for change exists to the extent set forth above on page 1.

(ii) Any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in subsection (6)(d)(i) of this section;

The water right authorized for change is in a valid exercisable status with regard to the amounts proposed for change, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. At no time was there intent by the water right holder(s) to abandon the rights authorized for change.

(iii) The result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer;

The proposed changes will withdraw water from the same body of water and will not impair any existing water rights.

(iv) The board's conclusions of issues raised by any comments and protests received;

There were no comments or protests and the requirements of SEPA have been met.

(v) Whether the transfer proposal will impair existing rights of others;

The proposed changes can be made without injury or detriment to existing water rights.

(vi) If the proposed transfer is authorized pursuant to RCW 90.44.100, whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

The proposed changes rely exclusively upon RCW 90.03.380. OR The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies. There are no detriments to the public interest resulting from the proposed changes.

Approval of this change will not enlarge the right.

DECISION

(e) Within a section entitled "decision": A complete description of the board's decision, fully and comprehensively addressing the entire application proposal;

The Applicant's change proposal involves the elimination of the number of connections provided in the subject water right to better accommodate the diverse needs of a youth ministry facility. The applicant will meet projected domestic water needs by reducing areas of incidental irrigation from 2.98 acres to .34 acres. Former areas of incidental acreage shall be offset by 1.1 acres of new structures and impermeable surfaces and 1.5 acres rehabilitated riparian habitat. Although this change has been calculated to result in no net change of consumptive use, increased domestic use and existing onsite wastewater disposal are expected to result in reduced consumptive use and increased source water return flows.

Name on Water Right:	Shepherd's Staff
Priority Date:	3/29/82
Instantaneous Quantity:	0.04cfs
Annual Quantity:	10.54af
Source:	Unnamed spring and wells
Point of Withdrawal:	TBD within Section 6 & 7, T26N, R 18, E.W.M. Chelan County, WA
Purpose of Use:	Municipal Supply
Period of Use:	Continuous
Place of Use:	S1/2 SE1/4 of Section 6, T26N, R 18, E.W.M. Chelan County, WA Alternatively, if the holder of the right is determined to be a municipal purveyor the place of use (POU) of this water right shall be the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

PROVISIONS

(i) Any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations;

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

- 1) The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
- 2) An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
- 3) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 4) Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".
- 5) Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
- 6) Reported water use data shall be submitted via the Internet or by using forms available at the Central Regional Office of the Department of Ecology in Yakima. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.

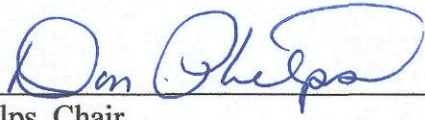
- 7) All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under Chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).
- 8) Well(s) shall be so constructed as to effectively and permanently seal off all water bearing zones occurring above the static water level in the completed well.
- 9) If multiple wells are used then they must be managed along with the surface water diversion to assure that the instant demand rate of the right is not exceeded.
- 10) Prior to issuing a superseding certificate for the subject water right, the water right holder shall show that the water use under the subject decision is in compliance with beneficial use definition in RCW 90.03.015(4) and that the use qualifies for municipal water supply purposes. If at the time of examination, water use under the subject right does not qualify for one of the definitions of municipal water supply, the respective superseding certificate will issue with a purpose of use as group domestic supply.

The applicant shall have a development schedule for completion of the facilities related to the changes approved by this Final Order as set forth above. Provided that, for good cause shown, the dates for development set forth above may be extended by the Department of Ecology (hereinafter Ecology) upon request of the applicant.

Upon satisfaction of the development schedule, and notification thereof to the Department of Ecology, a superseding certificate shall be issued to the applicant by the Department of Ecology containing the following attributes:

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Wenatchee, Washington.
April 18, 2012



Don Phelps, Chair
Chelan County Water Conservancy Board

Attachments:

1. Application
2. Copy of the Existing Water Right Document
3. SEPA Review & Hearing Examiner Decision
4. Hydrogeologic Report & Follow Correspondence
5. Notice of Application and declaration of publication
6. Email Transmittal of Notice of Application to Department of Fish and Wildlife
7. Norby water service agreement
8. Heeren and Johnson Declarations
9. Semrau Water System Analysis
10. Site photos